

12-05-02

1636



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TRANSMITTAL FORM

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Application Number	09/660,302
Filing Date	September 12, 2000
First Named Inventor	Strous et al.
Group Art Unit	1636
Examiner Name	T. McKelvey
Attorney Docket Number	2183-4525US

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ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Postcard receipt acknowledgment (attached to the front of this transmittal)	<input type="checkbox"/> Information Disclosure Statement, PTO/SB/08A (08-00); <input type="checkbox"/> copy of cited references	<input type="checkbox"/> Terminal Disclaimer
<input checked="" type="checkbox"/> Duplicate copy of this transmittal sheet in the event that additional filing fees are required under 37 C.F.R. § 1.16	<input type="checkbox"/> Supplemental Information Disclosure Statement; PTO/SB/08A (08-00); copy of cited references and Check No. in the amount of \$180.00	<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Preliminary Amendment	<input type="checkbox"/> Associate Power of Attorney	<input type="checkbox"/> Terminal Disclaimer
<input checked="" type="checkbox"/> Response to Restriction Requirement/Election of Species Requirement dated October 3, 2002	<input checked="" type="checkbox"/> Petition for Extension of Time and Check No. 3398 in the amount of \$55.00	
<input type="checkbox"/> Amendment in response to office action dated	<input type="checkbox"/> Petition	
<input type="checkbox"/> Amendment under 37 C.F.R. § 1.116 in response to final office action dated	<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Additional claims fee - Check No. in the amount of \$	<input type="checkbox"/> Certified Copy of Priority Document(s)	
<input type="checkbox"/> Letter to Chief Draftsman and copy of FIGS. with changes made in red	<input type="checkbox"/> Assignment Papers (for an Application)	
<input type="checkbox"/> Transmittal of Formal Drawings	Remarks	
<input type="checkbox"/> Formal Drawings (sheets)	The Commissioner is authorized to charge any additional fees required but not submitted with any document or request requiring fee payment under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account 20-1469 during pendency of this application.	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Andrew F. Nilles	Registration No. 47,825
Signature		
Date	December 3, 2002	

CERTIFICATE OF MAILING

Express Mail Label Number: EV209823716US

Date of Deposit: December 3, 2002

Person Making Deposit: Matthew Wooton



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#19

In re Application of:

Strous et al.

Serial No.: 09/660,302

Filed: September 12, 2000

For: CONTROLLING AVAILABILITY OR
ACTIVITY OF PROTEINS BY USE OF
PROTEASE INHIBITORS OR RECEPTOR

Confirmation No.: 6944

Examiner: T. McKelvey, Ph.D.

Group Art Unit: 1636

Attorney Docket No.: 2183-4525US

NOTICE OF EXPRESS MAILING

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COMMUNICATION

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Commissioner for Patents
Washington, D.C. 20231

Sir:

Responsive to the restriction requirement mailed October 3, 2002, applicants elect, without prejudice, the claims of Group I (*i.e.*, claims 1-2, 8-11, 22-33 and 35-36) drawn to a method for controlling or up-regulating the availability or activity of a protein.

Regarding the species election, as applicants have elected the claims of Group I, the election of a species appears to be moot as the species of Groups 1, 2 and 3 are within non-elected Group II.

In the event the applicants need to elect a species to be responsive, applicants provisionally elect the species of Group 4 (*i.e.*, the subject matter of claim 35), with traverse. The election is made with traverse for the following reasons. First, there are two independent

claims of Group I, claims 1 and 10, and the species election appears to be directed to the subject matter of the inhibitor of claim 10, and not the method claim 1. Second, the subject matter of claims 35 and 36 are related in that both claims are directed to the inhibitor of claim 10 and are not drawn to distinct inventions. Finally, it would not be an undue burden on the Office to examine all of the claims within Group I.

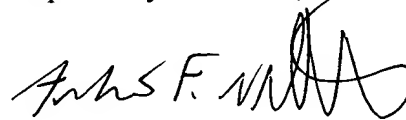
Further, applicants assert that independent claims 1 and 10 are generic and upon the allowance of generic claims 1 and 10, applicants reserve the right to consideration of claims to additional species written in dependent form and depending from any such generic claim under Rule 141.

Reconsideration and substantive examination of the application is thus requested.

CONCLUSION

If questions exist after consideration of the foregoing, the Office is kindly requested to contact the applicants' representative at the address or telephone number below.

Respectfully submitted,



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Date: December 3, 2002
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